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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,994	12/03/2001	Bryce A. Jones	1644	9230

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EXAMINER	
OSMAN, RAMY M	

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/004,994	JONES ET AL.	
	Examiner	Art Unit	
	Ramy M. Osman	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 October 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. This communication is responsive to application filed October 17, 2005. Claims 1-24 are pending.

Response to Arguments

2. Applicant's arguments, filed 10/17/2005, with respect to claims 1-24 have been fully considered and are persuasive. The prior rejections have been withdrawn. However, a new grounds of rejection is presented below.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7,10-16 and 20-24 rejected under 35 U.S.C. 102(e) as being anticipated by Thompson et al (US Patent Pub-No 2002/0022483).

5. In reference to claims 1,12,13,21 and 23, Thompson teaches corresponding methods and communication system comprising:

allowing a first subscriber to operate on an access network; allowing a second subscriber to operate on the access network (paragraphs 28-31)

receiving a first indication that the first subscriber has been authenticated by a first service provider, and responsively assigning the first subscriber to operate in a first logical layer of the access network; receiving a second indication that the second subscriber has been authenticated by a second service provider, and responsively assigning the second subscriber to operate in a second logical layer of the access network (paragraphs 38-40,89,112,114, 118, 128,135, Thompson discloses SSID and other forms of authenticating the client);

handling communications in the first logical layer according to a first logic set; and handling communications in the second logical layer according to a second logic set different than the first logic set (paragraphs 106-109,124,125,130,131).

6. In reference to claim 2, Thompson teaches the method of claim 1, further comprising:

before receiving the first indication, assigning the first subscriber to operate in a default logical layer of the access network; and handling communications in the default logical layer according to a default logic set different than the first logic set (paragraphs 106-109, 119,120,124).

7. In reference to claim 3, Thompson teaches the method of claim 2, wherein the access network is an IP network, and wherein:

the first logical layer comprises a first IP subnet; the second logical layer comprises a second IP subnet; and the default logical layer comprise a default IP subnet (paragraphs 106-109, 119,120, 124).

8. In reference to claim 4, Thompson teaches the method of claim 2, wherein handling communications according to the default logic set comprises disallowing a certain type of communication and handling communications according to the first logic set comprises allowing the certain type of communication (paragraphs 124-130,137-142).

9. In reference to claim 6, Thompson teaches the method of claim 1, wherein handling communications in the first logical layer according to the first logic set comprises:

disallowing communications from the first logical layer to outside of the access network (paragraphs 119,120).

10. In reference to claim 7, Thompson teaches the method of claim 1, wherein handling communications in the first logical layer according to the first logic set comprises:

disallowing a predetermined type of communication from passing from the first logical layer to outside of the access network (paragraphs 119,120).

11. In reference to claim 10, Thompson teaches the method of claim 1, wherein the access network is an IP network, and wherein:

the first logical layer comprises a first IP subnet; and the second logical layer comprises a second IP subnet (paragraphs 124,129,130).

12. In reference to claim 11, Thompson teaches the method of claim 1, wherein the subscriber communicates via an air interface with the access network (paragraphs 79-83).

13. In reference to claim 14, Thompson teaches the access network is an IP network and the designated layer is an IP subnet, and wherein assigning the subscriber to operate in the designated layer comprises assigning to the subscriber an P address in the IP subnet (paragraphs 106-109, 119,120, 124).

14. In reference to claim 15, Thompson teaches wherein serving the subscriber in the designated layer comprises handling communications with the subscriber according to a logic set established for the designated layer (paragraphs 106-109, 119,120, 124).

15. In reference to claim 16, Thompson teaches wherein handling communications with the subscriber according to the logic set established for the designated layer comprises:

detecting a packet bearing the IP address assigned to the subscriber; and responsively applying the logic set to restrict transmission of the packet (paragraphs 106-109, 119,120, 124).

16. In reference to claim 20, Thompson teaches the method of claim 13, wherein the access network comprises a wireless access (paragraphs 79-83).

17. In reference to claims 22 and 24, Thompson teaches the method of claim 20, further comprising:

prompting a second client station to select a service provider from among a plurality of service providers, and receiving a signal from the second client station, indicating a second selected service provider (paragraphs 87-91);

sending a second authentication request message for the second client station to the second selected service provider, the second authentication request message indicating authentication information for the second client station (paragraphs 38-40,89,112,114, 118);

receiving a first authentication response message from the second selected service provider, the first authentication response message indicating that second client station is authenticated by the first selected service provider (paragraphs 38-40,89,112,114, 118); and

in response to the second authentication response message, restricting the client station to

communications in a second logical layer of the access network associated with the second selected service provider (paragraphs 106-109,124,125,130,131).

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

19. Claims 18-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al (US Patent Pub-No 2002/0022483) in view of Schmuelling et al (US Patent No. 6,603,758).

20. In reference to claim 18, Thompson teaches the method of claim 13. Thompson fails to explicitly teach prompting the subscriber to provide the authentication request. However, Schmuelling teaches providing multiple service providers on a single network. Schmuelling discloses prompting the user to provide registration information to allow access through a service provider (Summary and column 7 lines 22-67).

It would have been obvious for one of ordinary skill in the art to modify Thompson by prompting the subscriber to provide the authentication request as per the teachings of Schmuelling for the purpose of allowing users to select a service provider from among a plurality of service providers on a single network.

21. In reference to claim 19, Thompson teaches the method of claim 18. Thompson fails to explicitly teach wherein prompting the subscriber for the authentication request comprises:

presenting to the subscriber a set of the plurality of service providers; and prompting the subscriber to select a service provider from among the plurality presented, wherein the subscriber selects the designated service provider from among the plurality. However, Schmuelling teaches providing multiple service providers on a single network. Schmuelling discloses prompting the user to provide registration information and for selecting a service provider from a among a plurality of service providers to allow access to the network (Summary and column 7 lines 22-67).

It would have been obvious for one of ordinary skill in the art to modify Thompson by presenting to the subscriber a set of the plurality of service providers; and prompting the subscriber to select a service provider from among the plurality presented, wherein the subscriber selects the designated service provider from among the plurality as per the teachings of Schmuelling for the purpose of allowing users to select a service provider from among a plurality of service providers on a single network.

22. **Claims 8,9 and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al (US Patent Pub-No 2002/0022483) in view of Cottingham (US Patent No 6,339,761).**

23. In reference to claim 8, Thompson teaches the method of claim 1, wherein handling communications in the first logical layer according to the first logic set comprises:

detecting a web page being sent to an address on the first logical layer (paragraphs 106-109,124,125,130,131). Thompson fails to explicitly teach injecting into the web page information specific to the first service provider. However, Cottingham teaches an Internet Service Provider advertising system wherein is disclosed inserting advertisements into provided

web pages so that the ISP can target customers for business (column 2 lines 20-67 and column 5 lines 33-67).

It would have been obvious for one of ordinary skill in the art to modify Thompson by injecting into the web page information specific to the first service provider as per the teachings of Cottingham so that the ISP can target customers for business.

24. In reference to claim 9, Thompson in view of Cottingham teach the method of claim 8, wherein the information comprises an advertisement for the first service provider (Cottingham, column 2 lines 20-67 and column 5 lines 33-67).

25. In reference to claim 17, Thompson teaches the method of claim 13, wherein serving the subscriber in the designated layer of the access network comprises:

a gateway on the access network detecting a web page being sent to the subscriber (paragraphs 106-109,124,125,130,131). Thompson fails to explicitly teach the gateway modifying the web page to include an advertisement for the designated service provider. However, Cottingham teaches an Internet Service Provider advertising system wherein is disclosed inserting advertisements into provided web pages so that the ISP can target customers for business (column 2 lines 20-67 and column 5 lines 33-67).

It would have been obvious for one of ordinary skill in the art to modify Thompson by injecting into the web page information specific to the first service provider as per the teachings of Cottingham so that the ISP can target customers for business.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO
December 19, 2005